

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RICK D. LANGE, as Chapter 7
Trustee of the Bankruptcy Estate of
TierOne Corporation,

Plaintiff,

v.

FEDERAL DEPOSIT INSURANCE
CORPORATION, as Receiver for
TierOne Bank,

Intervenor,

v.

CHARLES W. HOSKINS;
CAMPBELL R. MCCONNELL;
GILBERT G. LUNDSTROM;
EUGENE B. WITKOWICZ;
JAMES A. LAPHEN; and
KPMG LLP,

Defendants.

4:12CV3148

MEMORANDUM
AND ORDER

This matter is before the Court upon the report and recommendation issued by United States Bankruptcy Judge Thomas L. Saladino on October 4, 2013 (filing [85](#)). Judge Saladino recommends that the reference of this case to the bankruptcy court be withdrawn and the case returned to the district court for all further proceedings. No objection has been filed by any party within the time permitted by [NEGenR 1.5\(b\)\(2\)](#). I will adopt the recommendation and withdraw the reference.

Pending on the date this case was referred to the bankruptcy court, March 28, 2013, were the findings, recommendation, and order of Magistrate Judge Cheryl R. Zwart (filing [79](#)) regarding Defendant KPMG's motion to compel arbitration and dismiss plaintiff's first amended complaint (filing [42](#)), Defendant KPMG's previously filed motions to compel arbitration (filing [5](#) & [13](#)), and Plaintiff's motion to remand (filing [30](#)), together with a statement of objections filed by Plaintiff (filing [81](#)). With the return of the case to the district court, these pending matters will be taken under submission and a ruling will be issued in due course.

Accordingly,

IT IS ORDERED that pursuant to the report and recommendation of the United States Bankruptcy Judge (filing [85](#)), referral of this matter to the bankruptcy court is withdrawn and this action shall proceed in the district court.

October 24, 2013.

BY THE COURT:

s/ Richard G. Kopf

Senior United States District Judge